

**ORDINANCE BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

02-0-0726

June 3, 2002

AUTHORIZING THE MAYOR TO GRANT A TEMPORARY 20' X 170' CONSTRUCTION AND MAINTENANCE EASEMENT TO THE ATLANTA PUBLIC SCHOOLS FOR THE PURPOSE OF INSTALLING TWO (2) PORTABLE CLASSROOMS IN THE BENTEN PARK ON CITY OF ATLANTA PROPERTY, LOCATED IN LAND LOT 24 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA SO AS TO ALLOW THE ATLANTA PUBLIC SCHOOLS TO COMPLETE THEIR EXPANSION OF THE BENTEN ELEMENTARY SCHOOL WHICH IS ADJACENT TO BENTEN PARK; TO OCCUPY THE TEMPORARY 20' X 170' EASEMENT AREA FOR A MAXIMUM PERIOD OF THREE (3) YEARS, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

Whereas, the Atlanta Public Schools has requested the City of Atlanta, Department of Parks, Recreation and Cultural Affairs, Bureau of Parks to issue a temporary 20' x 170' construction and maintenance easement in the Benteen Park on City of Atlanta property located in Land Lot 24 of the 14th District of Fulton County, Georgia for the purpose of installing two (2) portable classrooms, so as to allow the Atlanta Public Schools to complete their expansion of the Benteen Elementary School which is adjacent to Benteen Park, for a maximum period of three (3) years; and

Whereas, the Atlanta Public Schools will be responsible for payment of all costs associated with construction, installation and maintenance of these two (2) portable classrooms and the easement area; and

Whereas, the South Atlantans for Neighborhood Development (SAND) voted 29-0-3 (yea-nay-abstentions) in favor of this request, and NPU-W's Land Use and Zoning Committee voted 10-0-0 in favor to approve this request on behalf of the Atlanta Public Schools, and NPU-W's vote was 24-0-0 to approve this request.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor be and is hereby authorized to grant a temporary 20' x 170' construction and maintenance easement to the Atlanta Public Schools for a maximum period of three (3) years for the purpose of installing two (2) portable classrooms in Benteen Park on City of Atlanta property located in Land Lot 24 of the 14th District of Fulton County, Georgia so as to allow the Atlanta Public Schools to complete their expansion of the Benteen Elementary School which is adjacent to Benteen Park, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks.

Section 2: That the Atlanta Public Schools will be responsible for payment of all costs associated with the construction, installation and maintenance of the two (2) portable

classrooms and the easement area at no cost to the City of Atlanta, Department of Parks, Recreation and Cultural Affairs, Bureau of Parks.

Section 3: That the City Attorney be and is hereby directed to review and approve the terms and conditions of this temporary 20' x 170' construction and maintenance easement prior to execution by the Mayor.

Legal Description
Proposed Easement For Benteen Classroom Portable Installation

All that tract or parcel of land lying and being in Land Lot 24 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence on the northerly right-of-way of Casanova Drive (50 foot right-of way), located at the intersection of said right-of-way line with the easterly right-of-way line of Funston Street (50 foot right-of-way), also known as Federal Street; thence running along the northerly right-of-way line of Casanova Drive, North 88° 20' 42" East, 400.00 feet to a point and THE TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING thus established, thence North 00° 29' 49" West, 171.00 feet to a point; thence running North 88° 20' 42" East, 20.00 feet to a point; thence running South 00° 29' 49" East, 171.00 feet to a point in the northern right-of-way line of Casanova Drive; thence along the northerly right-of way South 88° 20' 42" West to a point and the TRUE POINT OF BEGINNING and containing 0.785 acres more or less.

Legal Description
Proposed Easement For Ingress/Egress

All that tract or parcel of land lying and being in Land Lot 24 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence on the northerly right-of-way of Casanova Drive (50 foot right-of way), located at the intersection of said right-of-way line with the easterly right-of-way line of Funston Street (50 foot right-of-way), also known as Federal Street; thence running along the northerly right-of-way line of Casanova Drive, North 88° 20' 42" East, 420.00 feet to a point and THE TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING thus established, thence North 00° 29' 49" West, 55.00 feet to a point; thence running South 47° 37' 40" East, 79.12 feet to a point in the northern right-of-way line of Casanova Drive; thence along the northerly right-of way South 88° 20' 42" West, 58.00 feet to a point and the TRUE POINT OF BEGINNING and containing 0.0366 acres more or less.



ATLANTA PUBLIC SCHOOLS

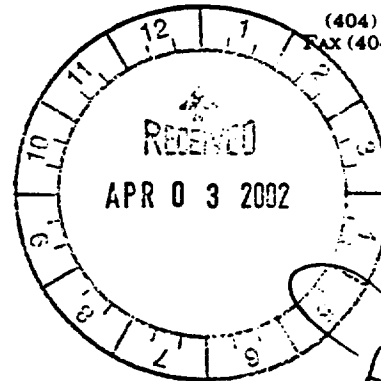
Our Focus ... Student Success

FACILITIES SERVICES
1631 LAFRANCE STREET, N.E.
ATLANTA, GEORGIA 30307

(404) 827-8487
FAX (404) 827-8423

April 1, 2002

Mr. Karl McCray
Commissioner
675 Ponce de Leon Ave. N.E.
8th Floor
Atlanta, Georgia 30308



To: Jay
Sushma
Fil
04/08/02

Dear Mr. McCray:

On November 19, 2001 the Atlanta Public Schools requested a 20' x 170' easement at Benteen Park to install two (2) portable classrooms. The long term plans for the school is an expansion of the Benteen Elementary School. The APS anticipate that this requested area will be occupied for a maximum of three (3) years.

In your letter dated December 11, 2001, you stated that approval from the NPU W and a legal description and survey was needed to initiate the request for the Ordinance.

Enclosed please find a letter from the NPU chairperson in support of the easement. Please also find a copy of a survey and the legal description defining the requested area.

The APS would appreciate you initiating this request for the necessary Ordinance for City Council approval. We would further appreciate you taking all steps necessary to expedite this matter.

Please feel free to contact me at 404-827-807 or Ms. Carla Pennyman at 404-827-8415 as necessary regarding this matter.

Thank you for your continued cooperation. We look forward to continuing a mutually rewarding partnership with the City of Atlanta.

Sincerely,

Valerie D. Thomas
Executive Director of Facilities Services

Enclosures

cc: C. Pennyman, J. Hobson, C. Otuwa

NEIGHBORHOOD PLANNING UNIT



8 March 2002

Ms. Valerie Bell-Smith
NPU Coordinator
City of Atlanta
Via Fax

Dear Ms. Bell-Smith:

Please be aware that at its regularly scheduled meeting on 26 February 2002, Neighborhood Planning Unit W was presented with the Atlanta Public Schools' request for use of an easement for additional portable classrooms requiring use of adjacent park space. South Atlantans for Neighborhood Development (SAND) reported a vote of 29-0-3 (yea-nay-abstentions/recusals) in favor of this request. NPU-W's Land Use and Zoning Committee had voted 10-0-0 in favor of this request. NPU-W's vote was 24-0-0 to approve this request "subject to the school board's proving that no methane or other environmental hazards exist." The applicant's representative, James Hobson, committed the Atlanta Public Schools having a representative at the 5 March 2002 Land Use and Zoning Committee meeting for further discussion of possible environmental hazards.

If I can provide you with further information, please let me know.

Sincerely,

for Rev. Dolly Mahone
Chair

THE REV. DOLLY MAHONE, CHAIR
MR. WILLIAM PERRY, VICE CHAIR
CHARLES MCCULLOUGH, SECRETARY



CITY OF ATLANTA

CITY HALL EAST

675 PONCE DE LEON AVENUE, N.E. SUITE 800

ATLANTA, GEORGIA 30308

TEL: (404) 817-6764 • FAX: (404) 853-7643

SHIRLEY FRANKLIN
MAYOR

DEPARTMENT OF
PARKS, RECREATION
AND CULTURAL AFFAIRS

March 1, 2002

Carla Penniman, Property Manager
Atlanta Public Schools
1631 La France Street NE
Atlanta, GA 30307

KARL MCCRAY
ACTING COMMISSIONER

RE: Benteen Park

Dear Ms. Penniman:

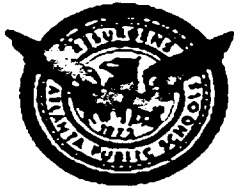
As per our conversation today, you stated that when you sought N.P.U. approval for the easement you have requested from us to install two trailers adjacent to the school property some members of the neighborhood expressed concern that Benteen Park might be a landfill site and might warrant environmental assessments, etc. We have owned the Park property since around 1964 and in the intervening years have done a number of construction projects in the process of developing the Park, most recently two years ago when we installed the new soccer field. We have never to my knowledge encountered any sort of material indicating that the site was once a landfill, and I find nothing in our files that would indicate such a condition.

Therefore I will state that to the best of our knowledge the site is not a landfill and there is no cause for concern regarding the status of the environment there.

Sincerely,

Joseph E. Strobhart, Jr.
Principal Field Engineer

C: Commissioner Karl McCray
Dewey McClain
Sushma Dersch
Benteen Park File



Department of
Facilities Planning
and Construction

ATLANTA PUBLIC SCHOOLS

SERVICE CENTER

1631 LaFRANCE STREET, N. E.

ATLANTA, GEORGIA 30307



Date: December 10, 2001

To: Joseph Strobhart, Jr.
City of Atlanta
Park Design and Construction Office
Fax: 404-817-6741

From: Wayne May
Atlanta Public Schools
Facilities Planning and Construction Department
Fax: 404-687-7985

Re: Benteen Elementary School

No. of sheets including this one: 2

Message:

Please find attached the revised partial site plan of Benteen Elementary School which reflects the revised dimensions of the requested easement. Give me a call at 404-827-8416 if you have any questions. I know that you will need a legal description of the property so let me know when we need to provide that to you.

Cc: James Hobson

TRANSMITTAL FORM FOR LEGISLATION

TO MAYOR'S OFFICE: Gregory G. Pridgeon, Chief of Staff

(for review & distribution to Executive Management)

Commissioner's
Signature:

Karl McCray

Director's
Signature:

Dersch

From Originating Dept.: Parks, Recreation
and Cultural Affairs

Contact (Name): Sushma K. Dersch
404-817-6734

Committee(s) of Purview: CD/HRC

Committee Deadline: 04-29-02

Committee Meeting Date(s): 05-14-02
05-28-02

Council Meeting Date(s): 05-20-02
06-03-02

CAPTION: ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR TO GRANT A TEMPORARY 20' x 170' CONSTRUCTION AND MAINTENANCE EASEMENT TO THE ATLANTA PUBLIC SCHOOLS FOR THE PURPOSE OF INSTALLING TWO (2) PORTABLE CLASSROOMS IN THE BENTEN PARK ON CITY OF ATLANTA PROPERTY, LOCATED IN LAND LOT 24 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA SO AS TO ALLOW THE ATLANTA PUBLIC SCHOOLS TO COMPLETE THEIR EXPANSION OF THE BENTEN ELEMENTARY SCHOOL WHICH IS ADJACENT TO BENTEN PARK; TO OCCUPY THE TEMPORARY 20' x 170' EASEMENT AREA FOR A MAXIMUM PERIOD OF THREE (3) YEARS, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The Atlanta Public Schools has requested the City of Atlanta, Department of Parks, Recreation and Cultural Affairs, Bureau of Parks to issue them a temporary 20' x 170' construction and maintenance easement in Benteen Park located in Land Lot 24 of the 14th District of Fulton County, Georgia, so as to allow the Atlanta Public Schools to install two (2) portable classrooms during the expansion of the Benteen Elementary School which sits adjacent to Benteen Park, for a maximum period of three (3) years.

The Atlanta Public Schools will be responsible for the payment of all costs associated with the construction, installation and maintenance of the two (2) portable classrooms and the easement area at no cost to the City. Approval has been granted by the NPU-W and the NPU-W Land Use and Zoning Committee as well as the South Atlantans for Neighborhood Development (SAND). A copy of the approval letter is attached.

FINANCIAL IMPACT (if any): None to the City of Atlanta.

MAYOR'S STAFF ONLY:

Received by Mayor's Office:

4/29/02
(date)

Reviewed:

JP
(initials/date)

Submitted to Council: _____
(date)

Action by Committee: ☐ **Approved** ☐ **Adversed** ☐ **Held** ☐ **Amended**
 ☐ **Substitute** ☐ **Referred** ☐ **Other**

DPRCA FORM 90-2a